



UNITED STATES BANKRUPTCY
COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

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In Re:

**PIETRO O. DEGRANDE, Debtor and
NICOLE TADENA, Codebtor**

Order Filed on March 15, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

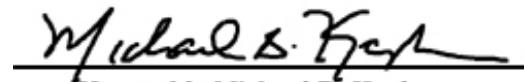
Case No.: 19-32708-MBK

Judge: Michael B. Kaplan

**CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE
2019 SUBARU ASCENT UTILITY 4D PREMIUM AWD**

The relief set forth on the following pages, number two (2) through four (4) is hereby
ORDERED.

DATED: March 15, 2021



Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Pietro O. Degrande
Codebtor: Nicole Tadena
Case No.: 19-32708-MBK
Caption of Order: Consent Order Modifying Stay as To Personal Property

1. The 11 U.S.C. §§ 362(a) and 1301 Stays as to Capital One Auto Finance, a division of Capital One, N.A., its successors and/or assigns (“Movant”), with respect to the personal property of the Debtor described as a 2019 SUBARU Ascent Utility 4D Premium AWD, V.I.N. 4S4WMAHD1K3414137, in accordance with the agreement of the Debtor and Movant, is hereby modified and shall remain in effect PROVIDED THAT Debtor complies with the following terms and conditions:

(a) Debtor shall become current with respect to the Movant by curing post-petition arrears of \$3,223.20 due through February 24, 2021 and making the March 4, 2021 regular payment of \$590.40 no later than March 5, 2021.

(b) Debtor will resume making all future regular monthly installment payments of \$590.40 (subject to changes for taxes, insurance costs and late fees, if any) beginning on April 4, 2021; Debtor will timely make each payment in accordance with the terms and conditions of the loan document between Debtor and Movant.

2. Debtor will remain current on all payments ripe, due and owing under the terms of the Chapter 13 Plan. Debtor will pay Movant as an administrative expense through the Chapter 13 Plan the sum of \$313.00 for attorney’s fees and costs.

3. The term “payment” as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.

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Debtor: Pietro O. Degrande
Codebtor: Nicole Tadena
Case No.: 19-32708-MBK
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4. Debtor will be in default under the Consent Order in the event that Debtor fails to comply with the payment terms and conditions set forth in Paragraph 1, *supra*. If Debtor fails to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtor and counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stays imposed under 11 U.S.C. §§ 362(a) & 1301 and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

5. In the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth said failure and Movant shall be granted immediate relief from the automatic stay provision of Sections 362 and 1301 of the Bankruptcy Code (11 U.S.C. §§ 362 & 1301) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle.

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Debtor: Pietro O. Degrande
Codebtor: Nicole Tadena
Case No.: 19-32708-MBK
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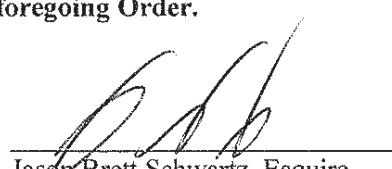
6. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

7. Debtor waives the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

We hereby consent to the form and entry of the foregoing Order.



Andrew Thomas Archer, Esquire
Brenner Spiller & Archer
175 Richey Ave
Collingswood, NJ 08107
Attorney for Debtor



Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1917 Brown Street
Philadelphia, PA 19130
Attorney for Capital One Auto
Finance, a division of Capital One, N.A.

In re:
Pietro O. Degrande
Debtor

Case No. 19-32708-MBK
Chapter 13

District/off: 0312-3
Date Rcvd: Mar 15, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol **Definition**

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2021:

Recip ID	Recipient Name and Address
db	+ Pietro O. Degrande, 6 Tweentown Close, New Hanover, NJ 08511-1209

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Andrew Thomas Archer	on behalf of Debtor Pietro O. Degrande aarcher@spillerarcherlaw.com bankruptcy@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com;R64966@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor HomeBridge Financial Services Inc. dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Gavin Stewart	on behalf of Creditor Harley-Davidson Credit Corp. bk@stewartlegalgroup.com
Jason Brett Schwartz	on behalf of Creditor Capital One Auto Finance a division of Capital One, N.A. jschwartz@mesterschwartz.com
Sindi Mncina	

District/off: 0312-3

User: admin

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Date Rcvd: Mar 15, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor JPMORGAN CHASE BANK N.A. smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.EDCF@usdoj.gov

TOTAL: 7